



DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled THERMOSTABLE PHOSPHATASES, the specification of which

_____ is attached hereto.

X was filed on December 18, 1998 (Attorney Docket No. 09010/045001) as U.S. Application Serial No. 09/202,681 and was amended on _____ if applicable (the "Application").

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/033,752
(Application Serial No.)

June 19, 1996
(Filing Date)

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applicant(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED
<u>International</u>	<u>PCT/US97/10784</u>	<u>June 19, 1997</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Eric J. Mathur

Inventor's signature: [Signature]

Date: 11/11/99

Residence: 2654 Galicia Way, Carlsbad, California 92009

Citizenship: United States

Post Office Address: 2654 Galicia Way
Carlsbad, California 92009

Full name of second inventor: Edd Lee

Inventor's signature: _____

Date: _____

Residence: 2041 Paseo Dorado, #4, La Jolla, California 92037

Citizenship: United States

Post Office Address: 2041 Paseo Dorado #4
La Jolla, California 92037

Full name of third inventor: Edward Byline

Inventor's signature: [Signature]

Date: 12/8/99

Residence: 2629 Bon Bon Drive, San Jose, California 95148

~~299 West County Parkway, Suite 100, San Jose, California 95128~~

Citizenship: United States

Post Office Address: 2629 Bon Bon Drive, San Jose, California 95148

~~559 West County Parkway, Suite 100, San Jose, California 95128~~
~~Analucia, Pennsylvania 19020~~

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Eric J. Mathur

1-00
Inventor's signature: [Signature]

Date: 11/11/99

Residence: 2654 Galicia Way, Carlsbad, California 92009 CA

Citizenship: United States

Post Office Address: 2654 Galicia Way
Carlsbad, California 92009

Full name of second inventor: Edd Lee

2-00
Inventor's signature: [Signature]

Date: 11/23/99

Residence: 2041 Paseo Dorado, #4, La Jolla, California 92037

EL- 3019 Columbia St San Diego CA 92103 CA

Citizenship: United States

Post Office Address: 2041 Paseo Dorado #4 3019 Columbia St. E.L.
La Jolla, California 92037 San Diego, CA 92103

Full name of third inventor: Edward Bylina

Inventor's signature: _____

Date: _____

Residence: 559 West Court, Apartment A-1, Analusia, Pennsylvania 19020

Citizenship: United States

Post Office Address: 559 West Court, Apartment A-1
Analusia, Pennsylvania 19020

Attorney Docket No. DIVER1230-1
Applicant or Patentee: Eric J. Mathur, et al.
Serial No. or Patent No.: 09/202,681
Filed or Issued: December 18, 1998
Title: THERMOSTABLE PHOSPHATASES



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Diversa Corporation
ADDRESS OF CONCERN 10665 Sorrento Valley Road
San Diego, CA 92121-1623

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled THERMOSTABLE PHOSPHATASES by inventor(s) Eric J. Mathur, Edd Lee, and Edward Bylina described in:

- ☐ the specification filed herewith
☒ Based on Application Serial No. 09/202,681, filed December 18, 1998
☐ Patent No. _____, issued _____

I authorize and request insertion of the serial number of the application when officially known.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name _____

Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name _____

Address _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Carolyn A. Erickson

TITLE OF PERSON OTHER THAN OWNER Vice President, Intellectual Property

ADDRESS OF PERSON SIGNING 10665 Sorrento Valley Road, San Diego, CA 92121-1623

SIGNATURE Carolyn Erickson DATE 12/24/99